

According to his mother, Lance Corporal Meis set his mind to becoming a soldier in the eighth grade. He always preferred the Marines, she says, because of its distinct reputation for rigor and excellence. Lance Corporal Meis enlisted in January 2010 after graduating from Bennett High School. He served a tour of duty in Afghanistan in support of Operation Enduring Freedom, earning numerous decorations.

He was a machine gunner in the 8th Marine Regiment, 2nd Marine Division, based at Camp Lejeune, NC. This post situated Lance Corporal Meis on the front lines of battle in Afghanistan, which for him meant an opportunity to contribute. His mother said that, when he called home, he spoke of his readiness for action and commitment to "making a difference." He told his family that he ultimately wanted to pursue the Marine Corps as a career.

Lance Corporal Meis's bravery and exemplary service quickly won the recognition of his commanding officers. He earned, among other decorations, the National Defense Service Medal, the Afghanistan Campaign Medal, and the Global War on Terrorism Service Medal. Just 3 weeks before his passing, he received a promotion to lance corporal.

His record as a soldier exhibits America's proudest traditions of valor, commitment to duty, and strength of character. To his family, he will be remembered as a dedicated son and brother. For Lance Corporal Meis, family and duty sometimes took the same form. By putting on the uniform, he followed his two grandfathers in a proud family tradition of service in the Armed Forces. His paternal grandfather served in World War II, and his maternal grandfather retired from the Air Force.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Lance Corporal Meis's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

I stand with the citizens of Colorado and across our country in profound gratitude for Lance Corporal Meis's tremendous sacrifice. In Afghanistan, he fought with unwavering courage to protect America and her citizens, and for his service he will forever be remembered as one of our bravest. To honor those who survived him, I ask my colleagues to join me in extending our deepest respects and condolences to Holly, his mother, Chris, his father, Hunter, his brother, and to his entire family.

#### CARNEY CONFIRMATION

Mr. RUBIO. Madam President, on May 17, 2011, the Senate considered the nomination of Susan Carney to serve as a Judge on the Second Circuit Court of Appeals. I voted against her nomination and want to explain my vote.

The qualifications of a judicial nominee are critically important. Susan Carney received her A.B. in 1973 and her J.D. in 1977 from Harvard, graduating both times with honors. Following law school she clerked on the First Circuit. She then worked in private practice in Washington from 1979 until 1986. After several years of self-employment, she became affiliated with another Washington law firm in 1994 before becoming associate general counsel of the Peace Corps in 1996. Since 1998 she has worked in Yale University's General Counsel's Office; she has been deputy general counsel since 2001.

I question whether Ms. Carney has the proper experience to serve as an appellate judge. She has no litigation experience in the last 15 years. She has never tried any cases to verdict, judgment, or final decision. There is nothing in her background that will provide this body with any information as to how she will view the law and what she may or may not be inclined to do as an appellate court judge.

When examining a nominee, especially a nominee for the circuit court of appeals, I am looking for evidence in the nominee's history that will establish that the nominee is a constitutionalist. Someone who takes the original, public meaning of the text of the Constitution and our laws seriously and does not look for excuses to depart from it and read into it what he or she wants.

In making a determination as to whether to vote for a nominee, I look for evidence that the nominee meets Chief Justice John Roberts' analogy of a baseball umpire, someone who doesn't bend the rules for the game, but just calls them as he sees them; someone who offers no favoritism depending on who is at bat.

All Americans should expect Members of U.S. Senate to carefully explore and guard against judicial nominees who are activists. Judges who interpret the Constitution and laws in light of his or her personal preferences or how he or she thinks they ought to have been written should not be on the bench. We should guard against a nominee who would elevate "empathy" over what the rule of law requires.

The only information that has been produced about Ms. Carney's potential judicial inclinations is that she was a supporter of pro-abortion groups such as NOW, NARAL, and Planned Parenthood. This nominee has little legal and no judicial history to rely upon. The burden of proof to show that the nominee will be a fair and impartial judge falls on the nominee. There is nothing in the record that would allow me to conclude that Ms. Carney will always be fair and impartial or that she will not elevate empathy over the rule of law. What I believe we should seek is a fair judge should be neutral and rule the same way according to the laws as written regardless of who is before the court.

Senators SESSIONS, COBURN, and LEE voted against this nomination in committee. The Republican members of the ABA committee that review nominees found Ms. Carney unqualified.

A review of Ms. Carney's record lacks any indicia as to how she would rule or how she would handle her role in this critical position. In my view, the burden of proof falls to the nominee and despite the support this nomination garnered from my colleagues, I do not believe that Ms. Carney met this burden. Given the higher scrutiny associated with consideration of nominees to the circuit courts of appeal, this nominee's limited record coupled with her history of supporting liberal organizations and because the nominee has the burden of establishing fidelity to constitutional principles, I voted against this nomination.

#### ADDITIONAL STATEMENTS

##### MAKOTI, NORTH DAKOTA

• Mr. CONRAD. Madam President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 8–10, the residents of Makoti will gather to celebrate their community's history and founding.

The vibrant community of Makoti is a Soo Line Railroad townsite. On July 12, 1911, the village of Makoti was platted, and lots at the townsite were sold. Approximately 200 people attended the sale. The name of the town was coined by the townsite promoter, Edward Kamrud, from *maakoti*, a Mandan Indian word meaning largest of the earthen lodges. Edward learned of this word from James Holding Eagle, who was building a replica Mandan-type earthen lodge on the grounds of the State capitol in Bismarck.

Today, the economy of Makoti is largely based on agriculture. There are also eight businesses within the city, three churches, and the Lewis and Clark Makoti High School. Each fall, the town comes together and celebrates the Makoti Threshing Show, which is the largest threshing exhibition in North Dakota. Other recreational opportunities including a city park, swimming pool, baseball diamonds, and nearby lakes with great fishing and hunting.

The citizens of Makoti are proud of all of their accomplishments over the past 100 years and have planned a celebration that will include a golf tournament, 5K walk, arts and craft show, children's activities, a car show, a parade, and fireworks.

I ask the U.S. Senate to join me in congratulating Makoti, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Makoti and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Makoti that

have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Makoti has a proud past and a bright future.●

#### ROBINSON, NORTH DAKOTA

● Mr. CONRAD. Madam President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 15-17, the residents of Robinson will gather to celebrate their community's history and founding.

The vibrant community of Robinson is a Northern Pacific Railroad town-site. It was named after John F. Robinson, president of the First National Bank in Steele. Verne Wells came to Robinson in 1922, and established banking and civic leadership traditions that are now in their third generation. Vernon Liedtke—1912-1957—a world famous circus star, was born here.

Today, the economy of Robinson is largely based on agriculture and hunting. There are also local businesses, such as Countryside Auto, Flath Trucking, First Security Bank West, Northern Plains Electric Cooperative, Robinson Senior Center, Carol's Kitchen, Barb's Hair Shack and the Robinson Post Office.

The citizens of Robinson are proud of all of their accomplishments over the past 100 years and have planned a celebration that will include, among other things, a class parade, dance, gun raffle, truck and tractor pull, food vendors, street dances, and fireworks.

I ask the U.S. Senate to join me in congratulating Robinson, ND, and its residents on the first 100 years and in wishing them well through the next century. By honoring Robinson and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Robinson that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Robinson has a proud past and a bright future.●

#### SELFRIDGE, NORTH DAKOTA

● Mr. CONRAD. Madam President, today, I am pleased to recognize a community in North Dakota that is celebrating its 100th anniversary. From July 8-10, the residents of Selfridge will gather to celebrate their community's founding.

The Selfridge Milwaukee Road Railroad Station was established in 1911. Several theories exist on how Selfridge received its name. Some say the name describes the ridge of hills in the area, while others say it was named for a Milwaukee Road Railroad official. Others contend that it was named for Thomas E. Selfridge, a pioneer army aviator killed in service.

In 1925, Selfridge boasted 63 business establishments and 51 homes. By 1930,

the town's population had more than doubled. In the early 1940s, crops harvested in the countryside around Selfridge brought agricultural success, and during the 1950s the city council established a water and sewer system for the community. Because prairie fires have been a concern for Selfridge since its founding, a voluntary fire department has always been in existence.

Selfridge is located in south central North Dakota in Sioux County. It is part of the Standing Rock Indian Reservation. Today the town is home to the Selfridge Fire Hall, Selfridge High School, Selfridge Post Office, Selfridge Farmer's Union Oil Co., and the Branding Iron Bar & Steakhouse.

In honor of the city's 100th anniversary, community leaders have organized, among other things, a high school reunion social, street dances, a parade, sporting activities, a performance by Native American dancers, a children's carnival, and a German supper.

I ask that my colleagues in the U.S. Senate join me in congratulating Selfridge, ND, and its residents on their first 100 years and in wishing them well in the future. By honoring Selfridge and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Selfridge that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Selfridge has a proud past and a bright future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES DISCHARGED

The following bill was discharged from the Committee on Environment and Public Works, and referred as indicated:

S. 840. An act to establish customs user fees for commercial trucks transporting foreign municipal solid waste, and for other purposes; to the Committee on Finance.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 754. An act to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1022. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until December 31, 2014, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1744. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics) transmitting, pursuant to law, a report from the Counterproliferation Program Review Committee entitled "Report on Activities and Programs for Countering Proliferation and NBC Terrorism" (DCN OSS 2011-0847); to the Committee on Armed Services.

EC-1745. A communication from the Assistant Secretary of Defense (Reserve Affairs), Department of Defense, transmitting, pursuant to law, a report relative to the modernization priority assessments provided by the Chiefs of the Reserve and National Guard Components; to the Committee on Armed Services.

EC-1746. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC-1747. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC-1748. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox Virus; Update of Quarantined Areas" (Docket No. APHIS-2010-0089) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1749. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Corporate Credit Unions" (RIN3133-AD74) received in the Office of the President of the Senate on May 17, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1750. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13047 of May 20, 1997, with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC-1751. A communication from the Chairman and President of the Export-Import Bank, transmitting a legislative proposal; to the Committee on Banking, Housing, and Urban Affairs.